

RESPONSE TO OFFICE ACTION DATED 5/27/09

Please reconsider the patentability of newly amended independent claim 17 and remaining dependent claims 2, 5, 6, and 7 in view of the following remarks.

Remarks:

In Paragraph 1 of the Examiner's action, the Examiner states that among other things the claimed feature as recited in Claim 2, namely the dividers being removable, is not shown in the drawings and has thus objected to the drawings. On the contrary, the drawings, specifically Figures 8 through 10 indeed show dividers 14 of packing feature 12 attached with snaps 50. This showing, together with the text of the specification, for example the following:

" . . . Organizing feature 12 is attached to the main packing compartment 26 by a system of snaps 50. Of course, other mechanisms could be used to detachably affix the organizing feature 12 to main packing compartment 26. . . . "

meets the requirements of 37 CFR 1.83. Accordingly, Applicants respectfully request that this objection to the drawings be withdrawn. In order to avoid any issue of introducing new matter by amending the drawings, the other features mentioned in paragraph 1 of the Examiner's action have been removed from the claims.

New independent Claim 17 recites a carry-on luggage case with the combination of a tapered and textured portion and a main packing compartment with a unit of stiff dividers that remain at a substantial angle to the horizontal whether the the carry-on luggage case is lying down or standing up, and a pouch with a top edge near this tapered portion and a bottom edge, and a zipper access opening that opens along each of the top edge and the bottom edge, and a securing device that keeps the zipper access along the bottom edge closed while permitting access to the inside of the pouch through the zipper access along the top edge.

This combination of features works together to provide a convenient, versatile carry on luggage case that keeps things packed in the main packing compartment accessible and organized while the case is in an upright position, usually when the case is on its wheels, but also when the case is lying down and stowed beneath the aircraft seat in front of the traveler. The tapered and textured

portion of the case assures that the traveller has a reasonably comfortable position for her feet and helps assure that she orients the case under the aircraft seat to permit easy access to the specially oriented organization unit in the main packing compartment. The claimed pouch and zipper access works with these other features to provide an accessible packing pouch in this stowed position, but also when for example the luggage case, as often happens, must be stowed in the overhead compartment of the aircraft and where the tapered portion, because of its shape, is most conveniently placed toward the inner side of the compartment. The pouch at least can be accessed through that portion of the zipper at the bottom of the pouch, but in order to help avoid this zipper access from being left open, a securing feature, shown as a hook and snap mechanism 48 in the preferred embodiment, normally keeps this bottom portion of the zipper access closed.

None of the cited prior art shows or teaches the combination of features now set forth in Claim 17. Admittedly some individual features, such as shelves or dividers in Molinari or Hughes may exist in the prior art, but to combine these teachings with those of Krulik would not result in the claimed invention. Krulik teaches a strap attached at its top and bottom with zippered upper and lower openings. There is nothing in this combination of references suggesting the desirability of a securing feature that holds the bottom zipper of Krulik closed while permitting the upper zipper to open for access to the contents of a pouch. Braverman similarly falls short since, while a securing device 126 etc. is shown, that device affixes simultaneously all of the zippered openings closed, and does not teach the claimed invention. Thus, even if it were obvious to combine the teachings of Molinari, Hughes, Krulik and Braverman, the claimed construction will not be had.

Favorable action is requested.

Respectfully submitted,

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